

IN SENATE OF THE UNITED STATES.

JANUARY 10, 1848.

Submitted, and ordered to be printed.

Mr. BALDWIN made the following

REPORT :

*The Committee on Claims, to whom was referred the petition of Joseph Watson, now deceased, and of Camilla Coddington, for herself and the other heirs of the deceased, pursuing his said petition, having had the same under consideration and attentively examined the evidence in support thereof, report:*

That the claim of said Watson, as presented in his petition, is for compensation for services as secretary and storekeeper to the Indian department, in the Territory of Michigan, from the 1st of September, 1806, to the time of the surrender of Detroit, on the 16th of August, 1812.

The account exhibited is as follows:

THE UNITED STATES,	To Joseph Watson,	DR.
For services as secretary to the Indian department, within the superintendence of the governor of the Territory of Michigan, from the 1st of September, 1806, to the 16th of August, 1812, at \$600 per annum.....		\$3,576 67
Rations for 2,175 days, at three rations per day, being 6,525 rations, at 20 cents per ration .....		1,305 00
For services as storekeeper from the 1st September, 1806, to the 16th of August, 1812, at \$40 per month, being 71 months and 16 days .....		2,861 34
For rations for 2,175 days, at three rations per day, being 6,525 rations, at 20 cents per ration.....		1,305 00
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		\$9,048 01

Although this claim purports to be for services continuously rendered during a period of nearly six years from the 1st of September, 1806, it is a remarkable fact, that it was never presented for payment until more than twelve years had elapsed from the time of the commencement of those services; Mr. Watson having, in the mean time, resided more than two years in the city of Washington, where he was acting as agent for other claimants on the govern-

ment. He states, indeed, at the foot of his account, "that the destruction or loss of his original commission as secretary to the Indian department, from the governor of Michigan, and a failure, after repeated efforts, to regain it, or to obtain a copy regularly authenticated, prevented the presentation of his claim to the consideration of the proper officer until he visited Detroit in 1818." But no reason is assigned by the claimant why his account was not presented for adjustment from year to year, as it occurred, during the six years preceding the capture of Detroit, if he then considered himself as in the service and pay of the government. Nor does the reason assigned for the long delay that subsequently intervened appear to be satisfactory, since, though the commission was lost, the record of it remained in the archives of the territory, and the governor and secretary were both living, and could have furnished evidence of the character and value of any services rendered by the claimant which were properly chargeable to the government.

The claim was rejected by the department where it was presented for payment, in March, 1819, on the ground that the appointment made by Governor Hull was unauthorized, and had never been sanctioned by the War Department; that no correspondence connected with, or referring to, the duties assigned to the petitioner, could be found on its files, and that it was difficult to conceive that a claim of that magnitude, if well founded, should not before have been urged.

In April, 1828, on a renewed application by the petitioner, his claim was referred, by the Secretary of War, to the Second Auditor for examination, accompanied by substantially the same evidence that is now exhibited in its support. On the 16th of May, 1828, the Second Auditor made his report thereon as follows:

"SIR: In returning you the account of Joseph Watson, amounting to \$9,048 01, for services as secretary to the Indian department and as storekeeper within the superintendence of the late Governor Hull, from the 1st of September, 1806, to the 16th of August, 1812, I would beg leave to remark, that in my opinion the demand is far from being sustained by the evidence adduced in its support; the certificate of the governor, on whose testimony the claim should entirely depend, merely going to show that between the 1st of September, 1806, and the 31st of December, 1810, Mr. Watson had *occasionally* acted as his private secretary, and as secretary to the Indian department, and for which, at the last mentioned date, he had received no compensation. The fact is, as Governor Hull was in the practice of receiving advances of public money to meet the expenses of the Indian department within his superintendency, claims ought to have been presented to and paid by him for such services as Mr. Watson may have rendered. But if we could admit the validity of the claim we should not be justifiable in reporting it for payment, as there are no funds at the disposal of the office applicable to its discharge.

"W. L.

"HON. JAMES BARBOUR,  
"Secretary of War."

By the act of Congress passed January 11, 1805, for organizing the Territory of Michigan, it was provided that the officers for said territory who, by virtue of said act, should be appointed by the President, by and with the advice of the Senate, should respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance of 1787 and the laws of the United States had been provided and established for similar officers in the Indiana Territory; and that the duties and emoluments of superintendent of Indian affairs should be united with those of governor. By the ordinance of 1787, continued in force and adapted to the Constitution by the act of Congress of 7th August, 1789, and by the act organizing the Indiana Territory, it was provided that a governor should be appointed for three years, and that the duties and emoluments of superintendent of Indian affairs should be united with those of governor; and a secretary for four years, whose duty it should be to keep and preserve the acts and laws and public records, *and the proceedings of the governor in his executive department.* The compensation of the governor for his salary as such, and for discharging the duties of superintendent of Indian affairs, was established at \$2,000, and that of secretary of the territory at \$750 per annum.

By an act passed December 5, 1807, the secretary of the territory was allowed thereafter a salary of \$1,000 per annum. No authority appears to have been conferred on the governor by any act of Congress to appoint a private secretary, or secretary to the superintendent of the Indian department, nor does any appropriation appear to have been made for the compensation of any such officer. The sum of \$350 only was appropriated annually in the years 1807, 1808, 1809, 1810, 1811, and 1812, for "stationery, office rent, and other contingent expenses of the territory," in addition to the appropriation for the payment of the salaries of the governor, judges, and secretary of the territory.

The commission which was given to Mr. Watson as secretary to the Indian department, by Governor Hull, bears date the 16th of December, 1809, and purports to empower him to receive all applications for licenses to trade with the Indians, and to purchase horses in the Indian country, and to report the applications to the superintendent, and prepare the necessary bonds and licenses ready for the signature of the superintendent; to keep a record of the licenses, and countersign all proclamations and official documents relative to trade and intercourse with the Indians, and report to the superintendent all breaches of the acts of Congress for regulating trade and intercourse with the Indians; and in all cases to follow the directions of the superintendent, and to do all other duties properly pertaining to his appointment: to have and to hold the said appointment, with the emoluments thereunto of right appertaining, during the pleasure of the superintendent for the time being.

By the act of Congress regulating intercourse with the Indian tribes, all persons were prohibited from trading with the Indians without license from the superintendent, or such person as the *Pre-*

*sident* might appoint, who was authorized to appoint agents for that purpose and for the distribution of presents to a limited amount to the Indians.

Mr. Watson, in accepting the appointment of secretary to the superintendent of the Indian department for the Territory of Michigan, does not appear to have contemplated, at the time, any charge on the government for his services. For, aside from the fact that he had made no such claim for the services he had occasionally rendered as private Secretary to the governor, in the course of the three years preceding that appointment, from the 1st of September, 1806, it appears by his letter to the Secretary of War of the 20th of March, 1819, "that it was contemplated that the charge of four dollars for each license, which he was authorized to make, would compensate him in a measure for his services. That source of emolument, however, he states was withdrawn from him in consequence of the greater portion of the outfits being made from Michilimackinac, where he was compelled to employ an agent, who received the four dollars for his own use, so that not more than sixty licenses were issued at Detroit. It was probably owing to his disappointment in not receiving the emoluments he had anticipated from the licenses, that the idea was suggested for the first time on the 31st of December, 1810, that he might obtain compensation for his services under his commission, and for the "occasional" services he had previously rendered as private secretary to the governor, out of the unexpended balance of the annual appropriation of \$350 for the expenses of "stationery, office rent, and other contingent expenses of the Michigan Territory." Accordingly, he obtained from the governor a certificate on that day, "that he had occasionally acted as his private secretary (and as secretary of the Indian department) since the 1st of September, 1806, to that day inclusive, and that he had received no compensation for said services from the government, and that understanding that there has annually been a balance of the appropriation for the expense of stationery, office rent, and other contingent expenses of the territory remaining unexpended, and considering a compensation for such services as coming properly under the description of 'other contingent expenses,' and having the precedent of Orleans and other territories, he (the governor) was of opinion that the officers of the United States Treasury Department would approve of such services being paid for out of said appropriation." And thereupon Mr. Watson executed a receipt to Reuben Atwater, esq., the secretary of the territory, of the tenor following:

"Received (Detroit, 31st December, 1810,) from Reuben Atwater, esq., Secretary of the Territory of Michigan, the sum of one hundred and seventy dollars and sixty-five cents, being in part compensation for services rendered as private secretary to his excellency William Hull, governor in and over the said territory, since the 1st day of September, 1806, to this day inclusive, and in full for a like service rendered during the year 1810.

"Signed duplicates:

"JOSEPH WATSON."

This payment, however, was disallowed at the Treasury Department, and the following entry appears on the back of the receipt:

"In the settlement of the account of Reuben Atwater, esq., for contingencies of the Territory of Michigan for the quarter ending December 31st, 1810, the within account of Joseph Watson was disallowed, with this remark: 'This to be deducted, as I know of no law authorizing a private secretary to the governor of this territory.'  
R. H."

The very small amount, in comparison with that now claimed, specified in the receipt as applied in part to the services which the governor certifies to have been occasionally rendered from the 1st of September, 1806, to that day inclusive, and in full for the like services for the year ending the 31st of December, 1810, would seem to indicate that, in the claim since presented, the value of those services has been greatly exaggerated. Its disallowance at the Treasury Department, which must doubtless have been immediately communicated to the claimant by Mr. Atwater, gave him explicit notice that the government of the United States did not recognise him as their agent, and that for any future services he might render to the governor and superintendent of Indian affairs of the territory he must look for remuneration to his employer alone.

By the laws then existing, the duties of executive secretary pertained to the office of secretary of the territory, and the salary allowed to that officer was deemed a full compensation therefor. By the same laws, the duties of superintendent of the Indian department for the territory devolved on the governor, and were compensated by the salary attached to his office, except so far as the President of the United States might deem it proper to relieve him, by the appointment of other agents to perform any portion of those duties.

Two treaties only were negotiated by Governor Hull with the Indians; one at Detroit, November 17, 1807, and the other at Brownston, November 25, 1808. Both were witnessed by Joseph Watson, as secretary to the *legislature* of Michigan, and not as secretary to the governor or superintendent of the Indian department.

It does not appear from the certificate of Governor Hull, or of Mr. Atwater, the secretary of the territory, nor from any other source, to the satisfaction of the committee, that Mr. Watson ever received the appointment of storekeeper to the Indian department, or was ever regarded by the superintendent as acting in that capacity. That Mr. Watson rendered valuable services in aid of the governor and superintendent of the Indian department, while acting as his private secretary, is proved by the certificate of Governor Hull, and of his successor in office, and also by the affidavit of the secretary of the territory. The committee believe them, however, to be very much overrated in the account exhibited by the claimant. But if it were otherwise, they cannot, under the circumstances in which they were rendered, regard them as properly chargeable to the government. They therefore recommend that the prayer of the petitioner be not granted.





